



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

945 MISC.CIVIL APPLICATION NO. 237 OF 2025

**SOW RINKU SUJIT JAMADAR AND ANOTHER
VERSUS
SUJIT ANANT JAMADAR**

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Mr. M. L. Dharashive, Advocate for the Applicants
Mr. P P More, Advocate for the Respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : March 12, 2026

PER COURT :-

1. Heard Mr. Dharashive, the learned counsel for the applicants and Mr. More, the learned counsel for the non-applicant at length.
2. Having regard to the submissions canvassed on behalf of both the parties, I have gone through the record.
3. It is an admitted fact that Applicant No. 1 and the non-Applicant were married on 03.09.2023 as per the customs and rites prevailing in their society. Out of the said wedlock, they were blessed with one female child, who is about one year old as

of today. However, due to differences of opinion, the relations between Applicant No. 1 and the non-Applicant became strained, which resulted in filing Criminal Misc. Application No.5 of 2025 under Section 125 of Cr.P.C., before the learned Judicial Magistrate, First Class, Ausa and the H.M.P No.6 of 2025 under Section 9 of the Restitution of Conjugal Rights before the learned Civil Judge, Senior Division, Ausa. Both these proceedings have been filed by the applicant / wife. Further, the non-applicant / husband has filed H.M.P No.167 of 2024 under Sections 13(1)(i), (ia), (Ib) of Hindu Marriage Act, before the learned Civil Judge, Senior Division, Jaisingpur, District Kolhapur and prayed for decree of dissolution of marriage.

4. Admittedly, the distance between the paternal village of Applicant No. 1 and Jaisingpur is approximately 500 km. Therefore, Applicant No. 1, who is a lactating mother, will certainly face inconvenience in travelling from her paternal village to Jaisingpur along with her one year old baby.

5. Considering the law laid down in the case of *N.C.V Aishwarya V. A. S. Saravana Karthik Sha (Civil Appeal*

No.4894/2022), order dated 18.07.2022, passed by the Hon'ble Supreme Court, I am of the view that, H.M.P No.167 of 2024, pending on the file of learned Civil Judge, Senior Division, Jaisingpur, District Kolhapur, needs to be transferred to the file of learned Family Court, Latur.

6. In view of above discussion, the Miscellaneous Civil Application is hereby allowed.

7. H.M.P No.167 of 2024, is hereby withdrawn from the file of learned Civil Judge, Senior Division, Jaisingpur, District Kolhapur and it is transferred to the file of Family Court at Latur. No order as to costs.

8. The non-applicant will be at liberty to file an appropriate application before the appropriate forum seeking transfer of another proceeding from one court to another, which may be decided on its own merits.

[Y. G. KHOBRADE, J.]